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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,260	08/20/2003	David Hooper	06769.P001	7336

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EXAMINER

TRAN, TUYETLIEN T

ART UNIT	PAPER NUMBER
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2179

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/645,260

Applicant(s)

HOOPER ET AL.

Examiner

TuyetLien (Lien) T. Tran

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-19, 21-37, 39-42 and 44-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-19, 21-37, 39-42, 44-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed 11/15/06.

This action is made final.

2. Claims 1-14, 16-19, 21-37, 39-42, 44-62 are pending in the case. Claims 1, 24, 47, 48, 55, and 62 are independent claims. Claims 1-14, 16-19, 21-24, 28, 35, 37, 39, 41, 44-55, 58, and 62 are the amended claims.

Claim Rejections - 35 USC § 101

3. Applicant's amendment corrects the previous 101 rejection and therefore the rejection is dropped.

Claim Rejections - 35 USC § 112

4. Claim 28 has been amended and the previous rejection is moot.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 24-26, 29, 32-37, 39-42, 47 and 55-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Rothmuller et al. (Pub No US 2003/0033296 A1, hereinafter Rothmuller).

As to claims 24, 47, 55, and 62, Rothmuller teaches:

A computer-readable storage medium storing program code for causing a computer to perform the steps of (e.g., see Fig. 1 and [0041]), comprising:

providing a database for digital images (e.g., see [0018]), each digital image having a data associated therewith (e.g., see Fig. 2; "Shot On: 12/29/01");

receiving at least one designated date range (e.g., see Fig. 1 and Fig. 4);

returning identifiers for images having an associated date within the at least one designated date range (e.g., see Fig. 2), each identifier representing (i) an ID for a folder path (e.g., "Photos/D122101/Photos", see Fig. 2), and (ii) an ID for a file name (e.g., "LegoLand", see Fig. 2).

As to claim 25, Rothmuller teaches wherein the user interface displays a calendar (e.g., see Fig. 4).

As to claim 26, Rothmuller teaches wherein a date range includes a date and time range (e.g., see Fig. 1 and Fig. 4), and wherein the date associated within an image includes a date and a time (e.g., see Fig. 2).

As to claim 29, Rothmuller teaches wherein the date associated with an image is a file system date for a file containing the image (e.g., see [0027]).

As to claim 32, Rothmuller further teaches displaying representations of the images having an associate dates within the designated at least one date range (e.g., see thumbnail images displayed in image area 100, see Fig. 1).

As to claim 33, Rothmuller further teaches wherein the representations of the images are thumbnail representations (e.g., see thumbnail images displayed in image area 100, see Fig. 1).

As to claim 34, Rothmuller further teaches wherein the representations of the images are small-scale versions of the images (e.g., see Fig. 1 and Fig. 2).

As to claim 35, Rothmuller further teaches wherein said returning returns the number of images having an associated date within the designated at least one date range (i.e., Fig 4 shows during the month of June 2001 two sets of photos 1 photos on 6/8/01 and 10 photos on 6/18/01).

As to claim 36, Rothmuller further teaches displaying the number of images having an associated date within the designated at least one date range (i.e., see Fig. 1 and [0032]).

As to claim 37, Rothmuller further teaches wherein said providing a database a relational database manager (e.g., see [0004]).

As to claim 39, Rothmuller further teaches wherein said returning returns binary image data (e.g., Fig. 1 shows photos are displayed in an image area; it is well-known in the art that image file are stored or displayed in a computer as binary data).

As to claim 40, Rothmuller further teaches wherein the binary image data is pixel data for thumbnail representations of images (e.g., see thumbnail view in the image area 100, Fig. 1 item 100).

As to claim 41, Rothmuller further teaches wherein said returning returns pointers to binary image data (i.e., pointers to photos, see [0017] lines 5-7)

As to claim 42, Rothmuller further teaches wherein the binary image data is pixel data for thumbnail representations of images (e.g., see thumbnail view in the image area 100, Fig. 1 item 100).

As to claim 56, Rothmuller further teaches wherein the digital content is digital video (e.g., video files, see [0039]).

As to claim 57, Rothmuller further teaches wherein the digital content is digital slide presentation (e.g., photo slide shows, see [0039]).

As to claim 58, Rothmuller further teaches wherein the digital content is digital image collection (e.g., photo album, see [0039]), and wherein the date associated with a digital image collection is the earliest of the dates associated with the individual images in the collection (e.g., see Fig. 2).

As to claim 59, Rothmuller further teaches wherein the digital content is digital animation (e.g., frame in video file, see [0039] and [0040]).

As to claim 60, Rothmuller further teaches wherein the digital content is electronic documents (e.g., photographic metadata or information about a photo or tag, see [0017] and [0020]).

As to claim 61, Rothmuller further teaches wherein the digital content is email (e.g., see [0020]).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-3, 6, 9-14, 16-19 and 48-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller in view of Graham et al. (Pub article "Time as Essence for Photo Browsing Through Personal Digital Libraries" JCDL 2002 proceeding, pp 326-335; hereinafter Graham).

As to claims 1 and 48, Rothmuller teaches:

A Calendar-based image asset organizer, implemented by instructions of a computer program stored on a computer readable storage medium (e.g., see Fig. 1 and [0041]), the medium comprising:

instructions for a user interface (e.g., Fig. 1) for presenting three views of a database for digital images (e.g., timeline 250 showing year view in Fig. 1, day select 110 showing day view in Fig. 1, calendar view in Fig. 4 showing month view; note that views can also display the results of a search, see e.g., [0033] lines 1-5), each digital image having a date associated therewith (e.g., see Fig. 2; "Shot On: 12/29/01"), the first view being a year view for displaying at least one year (e.g., timeline 250 in Fig. 1), the second view being a month view for displaying at least one month (e.g., calendar view in Fig. 4), and the third view being a day view for displaying at least one day (e.g., image area 100 shows photo for day select "12/25/01",

see Fig. 1), the user interface enabling a user to interactively navigate from one view to another and to designate at least one date range (e.g., a user can switch to day view from month view by selecting a particular day of the month, see Fig. 4 and [0032]), and to generate a query including the designated at least one date range (e.g., day select "12/25/01", see Fig. 1);

instructions for a database manager for the database for digital images communicatively coupled with said user interface (e.g., see [0018]), for receiving a query including at least one date range (e.g., see Fig. 1 and Fig. 4), and for returning identifiers for images that have an associated date within the at least one date range (e.g., see Fig. 2), each identifier representing (i) an ID for a folder path (e.g., "Photos/D122101/Photos", see Fig. 2), and (ii) an ID for a file name (e.g., "LegoLand", see Fig. 2).

Rothmuller further teaches displaying the number of photos taken for a day view, month view and year view (e.g., see Fig. 4 and [0028]). Rothmuller does not expressly teach displaying the exact number of photos taken for year view.

Graham teaches

a user interface for presenting three views for digital images, the first view being a year view for displaying at least one year and indicating the number of images that have associated dates within each year from the displayed years, the second view being a month view for displaying at least one month and indicating the number of images that have associated dates within each month from the displayed months, and the third view being a day view for displaying at least one day and indicating the number of images that have associated dates within each day from the displayed days, the user interface enabling a user to interactively navigate from one view to another and to designate at least one date range, and to generate a query including the designated designating at least one date range (e.g., see Fig. 5 in page 331).

Rothmuller and Graham are analogous art because they are from the same field of endeavor of photo browsing based on time factor. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the three views of displaying photo as taught by Graham to the system of organizing and finding digital images as taught by Rothmuller because Graham suggests to the skill artisan that the hierarchical browser can be combined with other browsers such as calendar browser (see Graham pp 331, right column last two lines). The motivation to combine the teaching of Rothmuller with Graham's teaching is to provide a reliable way for finding images (e.g., see Graham pp 333 left column lines 17-26).

As to claims 2-3, 6, 9-14, 16-19, 49-54, claims 2-3, 6, 9-14, 16-19, 49-54 are in the same context as claims 25-26, 29, 32-37, 39-42, 56-61 respectively; therefore they are rejected under similar rationale.

9. Claims 4-5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller in view of Graham and further in view of <http://Fototime.com/ftweb/fahelp/> (published web pages, "321.htm", "256.htm", "434.htm", hereinafter Fototime).

As to claim 4, Rothmuller and Graham teach the limitation of claim 1 for the reasons as discussed with respect to claim 1 above. Rothmuller further teaches that wherein the date associated with an image is a date stored by an image capture device (e.g., see [0027]). Rothmuller and Graham fail to expressly teach that the associated date is stored within a file header of a file containing the image.

Fototime teaches the date associated with an image is a date stored by an image capture device within a file header of a file containing the image (EXIF, see web page 256.htm;

it is noted that EXIF is defined as file header in the applicant's specification, see applicant pp. 2, lines 16-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the file header format as taught by Fototime to the photo organizer as taught by Rothmuller and modified by Graham to extract the date information stored in the header file by an image capture device and thus release the user from manual data entry to speed-up processing time and to achieve a more accurate and reliable system (see Fototime web page 256 line 7).

As to claim 5, Rothmuller, Graham and Fototime teach the limitation of claim 4 for the reasons as discussed with respect to claim 4 above. Fototime further teaches wherein the file header is an Exchangeable Image File (EXIF) header (see web page 256.htm). Thus, combining Rothmuller, Graham and Fototime would meet the claimed limitation for the same reason as discussed in claim 4.

As to claim 7, Rothmuller and Graham teach the limitation of claim 6 for the reasons as discussed with respect to claim 6 above. Rothmuller and Graham fail to teach that the file system data is a file's last modified date.

Fototime teaches wherein the file system data is a file's last modified date (Pic Modified, see Figure on web page 434.htm). Thus, combining Rothmuller, Graham and Fototime would meet the claimed limitation for the same reason as discussed in claim 4.

As to claim 8, Rothmuller and Graham teach the limitation of claim 1 for the reasons as discussed with respect to claim 1 above. Rothmuller and Graham fail to teach that the date associated within an image is date entered manually.

Fototime teaches wherein the date associated within an image is date entered manually by a user (it is noted that for an image that does not have a date embedded, Fototime allows a date to be entered manually, see web page 321.htm, lines 4-6). Thus, combining Rothmuller, Graham and Fototime would meet the claimed limitation for the same reason as discussed in claim 4.

10. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller in view of Graham and further in view Baskins et al. (Patent No 6,654,760 B2, hereinafter Baskins)

As to claim 21, Rothmuller and Graham teach the limitation of claim 1 for the reasons as discussed with respect to claim 1 above. Rothmuller and Graham fail to expressly teach a tree data structure.

Baskins teaches a tree data structure for storing data (see col. 5, lines 11-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the system of data processing as taught by Baskins to the photo organizer as taught by Rothmuller and modified by Graham to increase system efficiency by providing effective data management, achieved by the appropriate choice of data structure and related storage and retrieval algorithms (see Baskins col. 1, lines 39-42).

As to claim 22, Rothmuller and Graham teach the limitation of claim 1 for the reasons as discussed with respect to claim 1 above. Baskins further teaches a linked list data structure (see col. 2, lines 6-10). Thus, combining Rothmuller, Graham and Baskins would meet the claimed limitation for the same reason as discussed in claim 21.

As to claim 23, Rothmuller and Graham teach the limitation of claim 1 for the reasons as discussed with respect to claim 1 above. Baskins further a dynamic array data structure (see col. 4, lines 10-15). Thus, combining Rothmuller, Graham and Baskins would meet the claimed limitation for the same reason as discussed in claim 21.

11. Claims 27-28 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller in view of Fototime.

As to claims 27-28, 30-31, claims 27-28 and 30-31 are in the same context as claims 4-5 and 7-8 respectively; therefore they are rejected under similar rationale.

12. Claims 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothmuller in view of Baskin.

As to claims 44-46, claims 44-46 are in the same context as claims 21-23 respectively; therefore they are rejected under similar rationale.

Response to Arguments

13. Applicant's arguments with respect to claims 1-14, 16-19, 21-37, 39-42, 44-62 have been considered but are moot in view of the new ground(s) of rejection.

In view of amendment, the reference of Graham has been added for the new ground of rejection.

Conclusion

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Examiner's note: Examiner has cited particular columns, line numbers, and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teaching of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

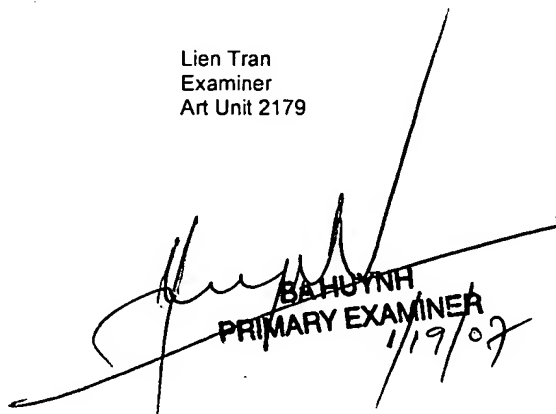
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2179

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T
1/16/2007

Lien Tran
Examiner
Art Unit 2179


BA HUYNH
PRIMARY EXAMINER
1/19/07